What Norway can teach the EU about sovereignty

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At Prime Minister s Questions on 28 November, Conservative MP Laurence Robertson asked Boris Johnson to guarantee, that in any agreement that he reaches with the European Union, British sovereignty will be protected for the whole United Kingdom .

The PM replied as follows:

It is notable that Johnson answered a question on sovereignty by referring to the UK s fishing waters. He is quite right to do so. Under the United Nations Convention on the Law of the Sea (UNCLOS) the UK s fishing waters (Exclusive Economic Zone, or EEZ) is British sovereign territory. As fisheries expert John Ashworth has emphasised, this means the UK s EEZ is as much part of the UK as the land mass.

The reason the UK does not currently have sovereignty over its fishing waters is that it was obliged to hand that sovereignty over to the then EEC upon joining in 1973. This was one of the conditions of membership. But when the transition period comes to an end on 31 December, under UNCLOS that sovereignty automatically reverts back to the UK.

The EU s ask on fisheries is that the status quo continue more or less unchanged as if the UK had never left the EU. Effectively, it is asking the UK to hand back sovereignty over its EEZ as the price for a free trade agreement (FTA). Its latest offer is for the UK to give up an equivalent amount of its current quota in other EEZs in order to have 15 to 18% of the fish returned to us!

In fact, the UK has already signed its first post-Brexit fisheries agreement with Norway. This happened back in September, but went almost entirely unreported on by the media. The agreement will enter into force on 1 January 2021, once the UK has left the EU s Common Fisheries Policy.

The Norway deal is significant because it shows exactly how a fisheries agreement between two sovereign states should be done. It proves that the UK s red lines on a fisheries agreement with the EU are not unreasonable; on the contrary, those red lines simply represent standard international practice. The EU, in contrast, is demanding an arrangement the like of which does not exist anywhere in the modern world: one that holds free trade hostage to payment in natural resources.

Zonal attachment

Crucially, the Norway agreement is based on the principle of zonal attachment, which uses scientific methods to calculate the shares of fish stocks residing within each country s EEZ in order to allocate quotas for shared stocks between countries. The UK-Norway agreement reads:

EU-Norway fishing quotas are negotiated annually. Yet the EU is refusing to accept annual negotiations as a basis for a fisheries agreement with the UK.

The freedom to exit

As one would expect from an agreement between two sovereign states, the UK-Norway fisheries agreement is based on the principle that neither side should be tied into the agreement against its will. It will run initially until 31 December 2026, whereupon it will be fully renegotiated for another four-year period. Moreover, the agreement also provides that:

The idea is that, because the agreement will be mutually beneficial and based on fair exchange of fishing opportunities, neither side will want to exit it. Both Norway and the UK are perfectly comfortable with the idea of an exit clause and a renegotiation after four years, because that is the way to ensure a fair and balanced agreement between equal partners. Coercion is not only unnecessary, it would be counter-productive.

Contrast this with what the EU is asking for: an agreement of between five and ten years that is tied in to any free trade agreement (FTA) concluded. Under this kind of deal, if the UK wanted to exit the fisheries agreement, the FTA would also come crashing down. That fact alone should tell any impartial observer that the EU s ask on fisheries does not represent a fair and balanced agreement between sovereign partners, but rather one in which one party (the UK) has to be tied in against its will, with free trade as hostage.

The EU is effectively saying that the UK has to buy an FTA by